

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

METRO AMBULANCE SERVICES, INC. D/B/A
AMERICAN MEDICAL RESPONSE

Employer

and

INTERNATIONAL ASSOCIATION OF EMT'S
AND PARAMEDICS (IAEP)

Petitioner

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: 10-RC-208221
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EMPLOYER'S REQUEST FOR REVIEW

As the employer in the above-captioned case, Metro Ambulance Services, Inc. d/b/a American Medical Response (hereafter, "AMR" or the "Company") hereby requests, pursuant to Section 102.71(b) of the Rules and Regulations of the National Labor Relations Board, review of the Regional Director's determination to place the above-captioned proceeding in abeyance due to the ongoing investigation of Unfair Labor Practice Charges filed by the Petitioner in Case Nos. 10-CA-208740, 10-CA-208630 and 10-CA-207686.

STATEMENT OF FACTS

1.) The Representation Proceeding

On October 18, 2017, the Petitioner, the International Association of EMT's and Paramedics (IAEP) (hereafter, the "Union"), filed with Region 10 of the National Labor Relations Board (hereafter, the "Board") a Petition for Certification of Representative, whereby the Union sought to represent all full-time and regular part-time Emergency

Medical Technicians and Paramedics employed by AMR at its facility in Stone Mountain, Georgia. A copy of the Petition is attached hereto as "Exhibit A." Based upon a Stipulated Election Agreement executed by the parties and approved by the Regional Director for Region 10 (hereafter, the "Regional Director"), an election was held on November 9 and 10, 2017. The Tally of Ballots showed that, out of approximately 319 eligible voters, 26 votes were cast in favor of the Union, 187 votes were cast against the Union, and 9 votes were challenged. On November 17, 2017, Objections to the Election (hereafter, the "Objections") were filed by the Union. A hearing was held on the Objections, and ultimately, on March 27, 2018, the Regional Director issued a Decision and Direction of Second Election, whereby the Regional Director sustained one of the Objections, set aside the election that took place on November 9 and 10, 2017, and ordered that a new election to take place. A copy of the Decision and Direction of Second Election is attached hereto as "Exhibit B."

By a letter to the parties dated April 2, 2018, the Regional Director advised that the new election would take place on April 26 and 27, 2018. A copy of the Regional Director's letter of April 2, 2018 is attached hereto as "Exhibit C." Later, however, by a letter to the parties dated April 20, 2018, the Regional Director changed course. Specifically, he advised that, due to the ongoing investigation of the Unfair Labor Practice Charges described below, he had placed the representation proceeding in abeyance and the election scheduled for April 26 and 27, 2018 had been cancelled. A copy of the Regional Director's letter to the parties dated April 20, 2018 is attached hereto as "Exhibit D."

2.) The Unfair Labor Practice Charges

The Regional Director's determination to place the representation proceeding in abeyance was based upon three Unfair Labor Practice Charges (hereafter, at times, the "Charges"), which may be summarized as follows.

A.) Case No. 10-CA-208740

The Charge in Case No. 10-CA-208740 was filed by the Union on October 26, 2017. Through the Charge, which was amended on December 19, 2017, the Union alleges that AMR maintained work rules that violated employees' rights under Section 7 of the National Labor Relations Act, as amended (hereafter, the "Act"). A copy of the Charge and the Amended Charge is attached hereto as "Exhibit E."

B.) Case No. 10-CA-208630

The Charge in Case No. 10-CA-208630 was filed by the Union on October 24, 2017. Through the Charge, which was amended on November 8, 2017, the Union alleges that AMR terminated an employee, namely Harvey Letner, in violation of Section 8(a)(3) of the Act and interrogated employees as to their union activity in violation of Section 8(a)(1) of the Act. A copy of the Charge and the Amended Charge is attached hereto as "Exhibit F."

C.) Case No. 10-CA-207686

The Charge in Case No. 10-CA-207686 was filed by the Union on October 10, 2017. Through the Charge, which was amended on November 8, 2017, the Union alleges that AMR terminated another employee, namely Bobby Graham, in violation of Sections 8(a)(1) and 8(a)(3) of the Act and made coercive statements to employees in violation of

Section 8(a)(1) of the Act. A copy of the Charge and the Amended Charge is attached hereto as "Exhibit G."

D.) Status of the Charges

In response to the Charges, the Region conducted an investigation, and during the course of the investigation, AMR duly cooperated by, *inter alia*, making witnesses available for affidavits, providing requested documentation, and submitting a position statement. A dispute did arise, however, in connection with certain documentation requested by the Region, which served AMR with an investigatory Subpoena *Duces Tecum* (hereafter, the "Subpoena"). In response to the Subpoena, AMR filed a Petition to Revoke, which has not yet been decided. Put simply, therefore, the status of the Charges is that they remain under investigation.

ARGUMENT

Under Section 102.71 of the Board's Rules and Regulations, a Regional Director's determination to place a representation proceeding in abeyance due to the pendency of unfair labor practice charges may be reviewed by the Board, and should the party seeking review show the Regional Director's determination to be, on its face, "arbitrary or capricious," the Board should grant review and reverse the Regional Director's determination.

In the case here, the Regional Director's determination to place the representation proceeding in abeyance was arbitrary, because the Charges on which he relied to cancel the second election that was scheduled for April 26 and April 27, 2018 were also pending at the time he allowed the original election to go forward on November 9 and 10, 2017. Although two of the Charges were amended more or less contemporaneously with the

original election, and the third Charge was amended in December of 2017, the amendments did not materially change the nature of the allegations. The Regional Director's letter to the parties dated April 20, 2018 provides no explanation whatsoever as to why, following his determination that a second election should go forward on April 26 and 27, 2018, the entire representation proceeding should now, suddenly, be placed in a holding pattern on an indefinite basis.

The complete reversal in the Regional Director's position, without the offer of any explanation whatsoever, is the very definition of arbitrary action by an agency, which violates the Board's Rules and Regulations, not to mention the Administrative Procedure Act. The delay that has already taken place, and absent the Board's intervention, will undoubtedly continue to take place over a considerable period of time also interferes with AMR's rights under the Stipulation Election Agreement, which, like any other case, was encouraged by the agency largely on the basis that the Agreement would expedite resolution of the question of whether the Company's employees will be represented by a labor organization.

CONCLUSION

For all the reasons set forth above, AMR respectfully requests that the Board grant review and reverse the Regional Director's determination to place the representation proceeding in abeyance.

Dated: May 4, 2018

Respectfully submitted,

/s/ _____

Bryan T. Carmody, Esq.
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UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

METRO AMBULANCE SERVICES, INC. D/B/A
AMERICAN MEDICAL RESPONSE

Employer

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INTERNATIONAL ASSOCIATION OF EMT'S
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Petitioner

10-RC-208221

CERTIFICATE OF SERVICE

The Undersigned, Bryan T. Carmody, being an Attorney duly admitted to the practice of law, does hereby certify, pursuant to 28 U.S.C. § 1746, that, on May 4, 2018, the document above was served upon the following *via* email:

John D. Doyle, Jr.
Regional Director, Region 10
233 Peachtree Street, Northeast
Harris Tower, Suite 100
Atlanta, GA 30303
john.doyle@nlrb.gov

Sandra Michaels, Esq.
Attorney for the Petitioner
159 Burgin Parkway
Quincy, MA 02169
smichaels@nage.org

Dated: Glastonbury, CT
May 4, 2018

Respectfully submitted,

/s/ _____

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EXHIBIT A

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
RC PETITION

DO NOT WRITE IN THIS SPACE

Case No.

10-RC-208221

Date Filed

October 18, 2017

INSTRUCTIONS: Unless e-Filed using the Agency's website, www.nlr.gov, submit an original of this Petition to an NLRB office in the Region in which the employer concerned is located. The petition must be accompanied by both a showing of interest (see 6b below) and a certificate of service showing service on the employer and all other parties named in the petition of: (1) the petition; (2) Statement of Position form (Form NLRB-505); and (3) Description of Representation Case Procedures (Form NLRB 4812). The showing of interest should only be filed with the NLRB and should not be served on the employer or any other party.

1. PURPOSE OF THIS PETITION: RC-CERTIFICATION OF REPRESENTATIVE - A substantial number of employees wish to be represented for purposes of collective bargaining by Petitioner and Petitioner desires to be certified as representative of the employees. **The Petitioner alleges that the following circumstances exist and requests that the National Labor Relations Board proceed under its proper authority pursuant to Section 9 of the National Labor Relations Act.**

2a. Name of Employer American Medical Response		2b. Address(es) of Establishment(s) involved (Street and number, city, State, ZIP code) 1380 Beverage Dr Ste D GA Stone Mountain 30083-2133	
3a. Employer Representative -- Name and Title Wilmond Antoine Meadows		3b. Address (If same as 2b -- state same) 1380 Beverage Dr Ste D GA Stone Mountain 30083-2133	
3c. Tel. No. (404) 783-8046	3d. Cell No.	3e. Fax No.	3f. E-Mail Address wilmond.meadows@amr.net
4a. Type of Establishment (Factory, mine, wholesaler, etc.) Healthcare		4b. Principal product or service Ambulance Transportation	
5b. Description of Unit Involved Included: See Attached Page 2 for additional details Excluded: See Attached Page 2 for additional details		5a. City and State where unit is located: Stone Mountain, GA	
		6a. No. of Employees in Unit: 250	
		6b. Do a substantial number (30% or more) of the employees in the unit wish to be represented by the Petitioner? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	

Check One: ☐ 7a. Request for recognition as Bargaining Representative was made on (Date) _____ and Employer declined recognition on or about _____ (Date) (If no reply received, so state).
☐ 7b. Petitioner is currently recognized as Bargaining Representative and desires certification under the Act.

8a. Name of Recognized or Certified Bargaining Agent (if none, so state).		8b. Address	
8c. Tel No.	8d. Cell No.	8e. Fax No.	8f. E-Mail Address
8g. Affiliation, if any		8h. Date of Recognition or Certification	
		8i. Expiration Date of Current or Most Recent Contract, if any (Month, Day, Year)	
9. Is there now a strike or picketing at the Employer's establishment(s) involved? _____ If so, approximately how many employees are participating? _____ (Name of labor organization) _____, has picketed the Employer since (Month, Day, Year) _____.			
10. Organizations or individuals other than Petitioner and those named in items 8 and 9, which have claimed recognition as representatives and other organizations and individuals known to have a representative interest in any employees in the unit described in item 5b above. (If none, so state)			

10a. Name	10b. Address	10c. Tel. No.	10d. Cell No.
		10e. Fax No.	10f. E-Mail Address
11. Election Details: If the NLRB conducts an election in this matter, state your position with respect to any such election.		11a. Election Type: <input checked="" type="checkbox"/> Manual <input type="checkbox"/> Mail <input type="checkbox"/> Mixed Manual/Mail	
11b. Election Date(s): 31 Oct and 02 Nov 2017	11c. Election Time(s): 7am to 11am and 7pm to 11pm both dates	11d. Election Location(s): Employers main Location	
12a. Full Name of Petitioner (including local name and number) Dary Sardad International Association of EMTs and Paramedics (IAEP)		12b. Address (street and number, city, state, and ZIP code) 159 Thomas Burgin Pkwy MA Quincy 02169-4213	
12c. Full name of national or international labor organization of which Petitioner is an affiliate or constituent (if none, so state) National Association of Government Employees (NAGE) SEIU Local 5000			
12d. Tel No. (530) 474-4362	12e. Cell No. (916) 709-6270	12f. Fax No.	12g. E-Mail Address dsardad@nage.org

13. Representative of the Petitioner who will accept service of all papers for purposes of the representation proceeding.			
13a. Name and Title		13b. Address (street and number, city, state, and ZIP code)	
13c. Tel No.	13d. Cell No.	13e. Fax No.	13f. E-Mail Address

I declare that I have read the above petition and that the statements are true to the best of my knowledge and belief.			
Name (Print) Dary Sardad	Signature Dary Sardad	Title Director of Organizing	Date 10/17/2017 10:54:47

WILLFUL FALSE STATEMENTS ON THIS PETITION CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

Attachment

DO NOT WRITE IN THIS SPACE	
Case	Date Filed

Employees Included

All Full Time and Part Time Emergency Medical Technicians Basic (EMT-B), Emergency Medical Technicians Intermediate (EMT-I), Emergency Medical Technicians Advanced (EMT-A's) and paramedics (EMT-P's) employed by the employer in and out of the employers DeKalb County operations, deployment center and stations.

Employees Excluded

All Supervisors, Office and Clerical Personnel and Guards as defined by the Act

EXHIBIT B

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 10**

**METRO AMBULANCE SERVICES, INC. D/B/A
AMERICAN MEDICAL RESPONSE**

Employer

and

Case 10-RC-208221

**INTERNATIONAL ASSOCIATION OF EMT'S
AND PARAMEDICS (IAEP)**

Petitioner

DECISION AND DIRECTION OF SECOND ELECTION

Pursuant to the provisions of a Stipulated Election Agreement approved on October 27, 2017,¹ an election was conducted on November 9 and 10 among a unit of all full-time and regular part-time Emergency Medical Technicians Basic (EMT-B), Emergency Medical Technicians Intermediate (EMT-I), Emergency Medical Technicians Advanced (EMT-A's) and Paramedics (EMT-P's) employed by the Employer at its Stone Mountain, Georgia facility. The tally of ballots shows that of the 319 eligible voters, 26 cast votes for the Petitioner, 187 cast votes against the Petitioner, and there were 9 challenged ballots, which were not determinative.

The Petitioner filed seven objections to conduct affecting the results of the election on November 17. On November 24, the Acting Regional Director issued a Report on Objections, Order Directing Hearing and Notice of Hearing on Objections, scheduling Objections 1 through 6 for hearing before a Hearing Officer and overruling Objection 7. Following a hearing, the Hearing Officer issued a report on January 31, 2018, recommending that Objections 1, 2, 3, and 4 be overruled in their entirety, that the Petitioner's request to withdraw Objection 6 be approved, that Objection 5 be sustained, and that a second election be directed. The Employer filed exceptions with me to the Hearing Officer's findings, conclusions and recommendations with respect to Objection 5. The Employer also filed various exceptions asserting that the Petitioner's objections were not timely served.

I have carefully reviewed the Hearing Officer's rulings made at the hearing and find that they are free from prejudicial error. Accordingly, the rulings are affirmed. In considering the

¹ All dates are 2017 unless otherwise indicated.

Employer's exceptions and supporting brief, I rely on the Hearing Officer's findings of fact and recommendations for the reasons discussed below.

PETITIONER OBJECTION 5

On or about November 9 and November 10, 2017 the employer and/or its agents promised to make a gift of tangible economic value in the form of a 42 Inch High Definition Television Set, an Apple brand iPad tablet computer and a gift card with a value of \$100.00 during a prize drawing quiz to which the answers were given during a captive audience speech (Objection 4) as an inducement to vote against the union. In doing so, the employer and/or its agents engaged in prohibited electioneering activities as voters were casting their ballots. This conduct destroyed the requisite laboratory conditions and has interfered with the employees' ability to exercise a free and reasoned choice in and/or affected the outcome of the election.

The Hearing Officer recommended that Objection 5 be sustained. The Employer filed various exceptions regarding the Hearing Officer's Report, as follows:

- (a) recommendation that the Objections filed by the Petitioner be sustained, in part, because the evidence demonstrates that the Employer engaged in objectionable conduct [Exception 1];
- (b) conclusion that the quiz that the Employer conducted "was, at its essence, an unlawful raffle." [Exception 2];
- (c) determination that the quiz provides the basis for setting aside the results of the election [Exception 3];
- (d) improperly shifting the burden of proof on the Employer and not hold the Petitioner to the burden of proof that applied to Objection 5 [Exception 5];
- (e) not properly considering the factors that should have been considered with the question of whether the conduct underlying Objection 5 had a tendency to interfere with employees' free choice [Exception 6];
- (f) statement that testimony and evidence omitted from the Report is necessarily irrelevant or cumulative [Exception 7];
- (g) finding that the e-mail by which the Employer distributed the quiz to employees "instructed" employees to print their name on the quiz [Exception 16];
- (h) finding that the Employer engaged in "machinations" related to the impounding of the quiz box [Exception 17];
- (i) statement of the Board's law related to raffles [Exception 18];
- (j) statement of the Board's law related to pre-election quizzes [Exception 19];

- (k) Recommendation related to Objection 5 [Exception 20]; and
- (l) conclusions and recommendations [Exception 21].

As set forth in the Hearing Officer's Report, the record evidence established that on November 3, less than one week before the scheduled election, the Employer sent an e-mail to employees, which announced that the Employer was distributing a "True/False Quiz" with 10 questions regarding unionization. The e-mail instructed employees to "print your name below and deposit your completed Quiz in the box near the polling site on Election Day" which was November 9 and 10. The Employer placed the box where the quizzes were to be deposited in the crew room located near the supervisors' office during the polling periods. The e-mail further informed employees that, "after the election, the highest score will win" and it detailed three prizes – 1st prize being a 43" HDTV, 2nd prize being an iPad, and 3rd Prize being a \$100 gift card. The e-mail informed employees that "Throughout the past few weeks, the company has provided indisputable answers to these questions." The quizzes themselves provide that "In case of a tie(s), a drawing will be held to determine the winners."

In its exceptions, the Employer asserts that the word "raffle" does not appear in Objection 5, or any of the Objections, and that there is a clear difference exists between a "raffle" and a "quiz" as recognized by the Board. In this respect, the Employer contends that the Hearing Officer erred by analyzing Objection 5 on the grounds that the Employer had conducted a "raffle" and concluding that it had a coercive effect.

The Employer argues that the Hearing Officer should have confined her analysis to whether the Employer conducted an unlawful "quiz" and not considered the Board's raffle jurisprudence. Certainly the prospect of a "drawing" was contemplated by the quiz itself, to break tie(s). Since there were only ten True/False questions to which the Employer represented it had furnished "indisputable answers" during the preceding weeks, there was a real prospect of there being a tie or tie(s) ultimately to be decided by a "drawing." Based on these facts, I view this event as reasonably having a "raffle" component to it. Further, since it was the same "quiz" raised in Objection 5 that had this "drawing" component, the Hearing Officer properly considered the quiz's raffle aspect in her consideration of Objection 5. I am not persuaded by the Employer's exceptions on this point or its contention that the Hearing Officer should have

confined her analysis as to only whether the quiz itself was unlawful without viewing the totality of the facts and circumstances.

As cited by the Hearing Officer in her Report, in *Atlantic Limousine, Inc.*, 331 NLRB 1025 (2000), the Board adopted a rule barring election raffles. In doing so, it overruled a line of cases beginning with *Hollywood Plastics, Inc.*, 177 NLRB 678 (1969). Under *Atlantic Limousine*, the Board:

prohibits employers and unions from conducting a raffle if (1) eligibility to participate in the raffle or win prizes is in any way tied to voting in the election or being at the election site on election day or (2) the raffle is conducted at any time during a period beginning 24 hours before the scheduled opening of the polls and ending with the closing of the polls. The term 'conducting a raffle' includes the following: (1) announcing a raffle; (2) distributing raffle tickets; (3) identifying the raffle winners; and (4) awarding the raffle prizes. If there is a showing that such a raffle has occurred during the proscribed period, we will set aside the election upon the filing of a valid objection.

331 NLRB at 1029.

Furthermore, the Board "will also look with disfavor on attempts to circumvent this rule by, for example, announcing a raffle more than 24 hours before the opening of the polls and then completing the raffle immediately after the closing of the polls." The Board stated in *Atlantic Limousine* that it was "not persuaded by the argument that election raffles merely encourage employees to vote." Instead the focus was on whether the conduct was objectionable, whether "it has a reasonable tendency to influence the election outcome."

In *Sea Breeze Health Care Center, Inc.*, 331 NLRB 1131 (2000), the Board adopted an administrative law judge's recommendation to set aside an election based on the employer's "Union Truth Quiz." In that case, the administrative law judge determined that the employer's quiz had "aspects of both a poll and a raffle." *Id.* at 1143. I adopt the Hearing Officer's assessment that the Employer's quiz similarly had characteristics of both a quiz and a raffle.

The Board's decision in *Melampy Mfg. Co.*, 303 NLRB 845 (1991) is instructive. In *Melampy Mfg. Co.*, Board set aside an election based on the employer inviting employees to enter a contest, on a voluntary basis, consisting of 20 questions requiring true or false answers mostly derived from the employer's earlier campaign letters. The rules provided that employees were to sign their name to the questionnaire and there would be a small prize for the employee

with the most right answers. The Board set the election aside noting that employees were to sign their names and the stated rules were that prize eligibility was based on answering the most questions correctly. Illustrating the overlap between the Board's quiz and raffle jurisprudence, the Board in *Melampy Mfg. Co.* relied on *National Gypsum Co.*, 280 NLRB 1003 (1986) a raffle case, even though the event at issue in *Melampy Mfg. Co.* was what the Board alternately characterized as a "test," "quiz," or "contest," with no reference to drawing, lottery, or raffle. Thus, even if the Employer's quiz here did not expressly contemplate a potential "drawing" to break ties, implicating a raffle aspect, the Hearing Officer's consideration of the Board's raffle jurisprudence would have been warranted. Moreover, in *Melampy Mfg. Co.*, the Board set aside the election although the employer had billed the potential prize as "small." The prize turned out to be a pizza lunch. The 43" HDTV and iPad announced as prizes in this case are more akin to the television sets and cash prizes offered in *National Gypsum Co.*, which the Board termed "substantial." 280 NLRB at 1003.

In *BFI Waste Systems*, 334 NLRB 934 (2001), the Board concluded that an employer-sponsored raffle shortly before the election was a benefit that improperly influenced employee free choice. In that case the employer intended to give away five televisions and to be eligible to win the television an employee had to have scored an excellent in the district-wide inspection program. As with *BFI Waste Systems*, this case had initial requirement for eligibility – a sufficient number of correct answers to be in the running – and then a drawing to determine winners from among those tied for the highest score.

Based on the Hearing Officer's Report on Objections, the Employer's arguments in support of its exceptions, the record evidence and the foregoing, I find no merit to the Employer's exceptions, and I agree with the Hearing Officer's recommendation that Petitioner's Objection 5 be sustained.

PROCEDURAL MATTERS – SERVICE OF THE OBJECTIONS

The Employer asserts that the Petitioner's objections were not timely served. The Hearing Officer recommended that the Employer failed to establish a lack of service. The Employer filed various exceptions regarding the Hearing Officer's:

- (a) failure to account for the fact that the Regional Director also referred to the Hearing Officer the question of whether the Petitioner served the Objections [Exception 4];
- (b) not holding the Petitioner to the burden of proving that the Objections were served on the Employer, but in fact, improperly shifted the burden to the Employer [Exception 5];
- (c) presumptions as they pertain to the dates that appear in the Certificate of Service that was received into evidence as Board's Ex. 1(h) [Exception 8];
- (d) implying that the Employer held the burden to question any witnesses in connection with the question of whether the Petitioner served the Objections on the Employer [Exception 9];
- (e) finding that the only evidence as to the lack of service of the Objections consists of "counsel's soliloquies." [Exception 10];
- (f) determination that the Certificate of Service signed by Dary Sardad should be considered as presumptive evidence that the Employer received the Objections [Exception 11];
- (g) phrase "[n]otwithstanding the Employer's counsel's declamations, ...";
- (h) determination that statements by a party's attorney cannot or should not be taken as evidence; and that Hearing Officer's determination is contrary to the agency's precedent, case law and the National Labor Relations Act, as amended;
- (i) determination that the Employer carried any burden, let alone a burden to prove by a preponderance of the evidence, that the Petitioner did not serve the Objections on the Employer [Exception 14]; and
- (j) determination to review Objections on their merits.

As is related above, the Hearing Officer set forth the procedural chronology in the Report on Objections. The petition was filed on October 18. Pursuant to a Stipulated Election

Agreement an election was conducted on November 9 and 10, where upon conclusion of the balloting on November 10, the parties were served a tally of ballots. The majority of the valid ballots were not cast in favor of representation by the Petitioner.

On November 17, the Petitioner timely filed Objections. The Petitioner filed the requisite Objections, Offer of Proof and Certificate of Service that were received by the Region on November 17. On its Certificate of Service under the main heading its states: "Date: November 17, 2017 ... Service on the Employer ... I hereby certify that on November 7, 2017, a copy of the petitioner[']s objections to the election involving the employer named above, were served on the employer and/or its agents via e-mail to the address shown on the RC petition in Case 10-RC-208221[.]" The Certificate of Service was signed by Petitioner Representative Dary Sardad, Director of Organizing, and below his signature it was dated "11-07-2017."

The Employer's counsel submitted its Notice of Appearance on December 12, nearly a month after the objections were filed, so the Petitioner would not have known to serve a copy of the objections on the Employer's counsel of record. On the petition, the representative of the Employer was named on line 3a with the e-mail address of that individual shown on line 3f of the petition form. There was no evidence, proffered or adduced, that this individual did not receive the Objections as indicated on the Certificate of Service. The Employer did not call the individual as a witness nor proffer sufficient evidence that the e-mail was not received to that e-mail address, which was the same e-mail address that the petition was e-mailed to when filed by the Petitioner.

In its exceptions, the Employer asserts that whereas the Objections are dated November 17, 2017, the Petitioner Representative, Dary Sardad, certified that a copy of the Objections were served on November 7, 2017, and that below the signature line, Mr. Sardad wrote down "11-07-2017" as the date that he signed the document. The Employer contends that the Hearing Officer erred in concluding that Mr. Sardad's hand-written recording of the date was "presumably" a clerical error. The Employer argues that the burden to prove a document was served ultimately belongs to the party who, purportedly, served the document. The Employer maintains that in the case here, presumption should not have taken the place of proof and that the Hearing Officer

erred by reviewing Objection 5 on its merits. I adopt the Hearing Officer's reasonable conclusion that the signature date was miswritten. Thus, the document was dated November 17, 2017 and the Region received it November 17. It would be nonsensical for a person to sign a document ten days before the date appearing on it, and moreover November 17 was the date the Petitioner filed the document with the Region. Furthermore, the election had not even begun on November 7, so there would be no reason for someone to be serving objections to an election two days before the election had even begun. The Hearing Officer's conclusion that Mr. Sardad signed the certificate of service on November 17 – the date the document itself was dated and the date the Petitioner filed the document – but miswrote November 07 – is a logical one, which I affirm.²

As discussed by the Board in *Aramark Uniform & Career Apparel, Inc.*, 364 NLRB 120 (2016):

On December 15, 2014, the Board adopted a final rule [79 Fed. Reg. 74308] to modify in certain respects the procedures applicable to the processing of representation cases. These changes went into effect on April 14, 2015, and have applied to all representation cases filed on or after that date. The final rule includes, among other things, changes to both Board procedure and the issuance of decisions involving postelection matters. Specifically with respect to postelection matters, under the final rule, Section 102.69(a) of the Board's Rules and Regulations provides that when filing objections to an election, a party *must* also include (1) a short statement of the reasons for the objections, and (2) an offer of proof in support of the objections which identifies its witnesses and summarizes their testimony. A party filing objections *must* also serve a copy of the objections, but not the offer of proof, on all other parties and include a certificate of service when filing the objections. Upon a showing of good cause, the Regional Director may extend the time for filing the offer of proof.

I am not persuaded by the Employer's arguments in support of its exceptions or its contention that the Hearing Officer reached an erroneous conclusion. In my view, the Petitioner satisfied the requirements for timely filing objections with sufficient offer of proof. Furthermore, the Hearing Officer correctly concluded that the Certificate of Service is

² Even if Mr. Sardad signed the document on some date other than November 17, it was certainly no later than November 17, the date the Region received the Objections and Certificate of Service. Therefore, the signed Certificate of Service would still warrant a presumption of service.

presumptive evidence of delivery that the Objections were served. Where such presumption of delivery is created, the burden is placed on the addressee to prove that it did not receive the delivery. As a result, the Hearing Officer correctly received evidence and fully considered the Petitioner's Objections on the merits.

The burden of proof of service of an e-mail is analogous to service of regular mail. Before the advent of e-mail, in *Sears Roebuck and Co.*, 117 NLRB 522 (1957), cited by the Hearing Officer, the petitioner contended that it was not served with a copy of the employer's objections. In that case, the employer submitted an affidavit stating that a copy of the objections and covering letter were mailed to the petitioner union. The Board, in accordance with the recommendations of the Regional Director, certified the petitioner as the collective-bargaining representative. In doing so, however, it disagreed with the Regional Director's recommendation that the employer's objections be overruled for lack of proof of service. At footnote 3 of that decision, the Board stated:

We disagree with, and hereby reverse, the Regional Director's recommendation that the Employer's objections be overruled for lack of proof of service. As set forth in the Regional Director's report, the Employer furnished proof that it sent a copy of the objections by ordinary mail to the Petitioner's address as given by Petitioner at the representation hearing. Such proof of service is presumptive evidence of receipt. Petitioner avers that it never received the objections. However, as Petitioner moved after the representation hearing and failed to give another address, we find, unlike the Regional Director, that its affidavit of proof of nonreceipt does not serve to rebut the presumption of delivery drawn from the Employer's having mailed the objections to the only address known to it, or furnished by Petitioner.

Contrary to the position of the Employer, the Petitioner met its initial presumption of delivery burden through its Certificate of Service and the Employer failed to rebut that presumption although it had the opportunity to do so. Considering all of the presented facts and circumstances on this set of exceptions, I find no basis for reversing the Hearing Officer.

RULING ON OBJECTIONS

Based on the above and having carefully reviewed the entire record, the Hearing Officer's report and recommendations, and the exceptions and arguments made by the Employer,

and as recommended by the Hearing Officer, I overrule Objections 1, 2, 3 and 4 in their entirety, approve the Petitioner's request to withdraw Objection 6, and that Objection 5 be sustained and, as a result, that a second election be directed.

IT IS HEREBY ORDERED that the election conducted on November 9 and 10, 2017, is set aside and a new election shall be conducted.

DIRECTION OF SECOND ELECTION

The National Labor Relations Board will conduct a second secret ballot election among the employees in the same unit as in the first election. Employees will vote whether or not they wish to be represented for purposes of collective bargaining by International Association of EMT's and Paramedics (IAEP). The date, time and place of the election will be specified in the Notice of Second Election that will issue shortly. That Notice shall also contain the following language:

NOTICE TO ALL VOTERS

The election conducted on November 9 and 10, 2017 was set aside because the National Labor Relations Board found that the Employer engaged in conduct by the use of its true/false quiz shortly before the election that interfered with the employees' exercise of a free and reasoned choice. Therefore, a new election will be held in accordance with the terms of this Notice of Second Election. All eligible voters should understand that the National Labor Relations Act, as amended, gives them the right to cast their ballots as they see fit and protects them in the exercise of this right, free from interference by any of the parties.

Eligible to vote in the second election are those employees in the unit who were employed during the payroll period ending immediately before the date of the Notice of Second Election, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off. Employees engaged in any economic strike, who have retained their status as strikers and who have not been permanently replaced are also eligible to vote. In addition, in an economic strike which commenced less than 12 months before the date of the first election, employees engaged in such strike who have retained their status as strikers but who have been permanently replaced, as well as their replacements are eligible to vote. Unit employees in the military services of the United States may vote if they appear in person at the polls.

Ineligible to vote are: (1) employees who have quit or been discharged for cause since the designated payroll period; (2) striking employees who have been discharged for cause since the strike began and who have not been rehired or reinstated before the election date; and (3) employees who are engaged in an economic strike that began more than 12 months before the date of the first election and who have been permanently replaced.

Voter List

The employer must provide the regional director and parties named in the decision an alphabetized list of the full names, work locations, shifts, job classifications, and contact information (including home addresses, available personal e-mail addresses, and available home and personal cell telephone numbers) of all eligible voters, accompanied by a certificate of service on all parties. When feasible, the employer must electronically file the list with the regional director and electronically serve the list on the other parties.

To be timely filed and served, the list must be *received* by the regional director and the parties by March 29, 2018. The list must be accompanied by a certificate of service showing service on all parties. **The region will no longer serve the voter list.** The employer's failure to file or serve the list within the specified time or in the proper format is grounds for setting aside the election whenever proper and timely objections are filed. However, the employer may not object to the failure to file or serve the list in the specified time or in the proper format if it is responsible for the failure.

Unless the Employer certifies that it does not possess the capacity to produce the list in the required form, the list must be provided in a table in a Microsoft Word file (.doc or docx) or a file that is compatible with Microsoft Word (.doc or docx). The first column of the list must begin with each employee's last name and the list must be alphabetized (overall or by department) by last name. Because the list will be used during the election, the font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. A sample, optional form for the list is provided on the NLRB website at www.nlr.gov/what-we-do/conduct-elections/representation-case-rules-effective-april-14-2015.

When feasible, the list shall be filed electronically with the Region and served electronically on the other parties named in this decision. The list may be electronically filed with the Region by using the E-filing system on the Agency's website at www.nlr.gov. Once the website is accessed, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions.

No party shall use the voter list for purposes other than the representation proceeding, Board proceedings arising from it, and related matters.

Notice Posting

The Employer must post copies of the Notice of Election in conspicuous places, including all places where notices to employees in the unit are customarily posted, at least 3 full working days prior to 12:01 a.m. on the day of the rerun election and must also distribute the Notice of Election electronically to any employees in the unit with whom it customarily communicates electronically. The Employer's failure to timely post or distribute the election

Metro Ambulance Services, Inc. d/b/a
American Medical Response
Case 10-RC-208221

notices is grounds for setting aside the election if proper and timely objections are filed. However, a party is stopped from objecting to the nonposting or nondistribution of notices if it is responsible for the nonposting or nondistribution.

RIGHT TO REQUEST REVIEW

Pursuant to Section 102.69(c)(2) of the Board's Rules and Regulations, any party may file with the Board in Washington, DC, a request for review of this decision, which may be combined with a request for review of the regional director's decision to direct an election as provided in Sections 102.67(c) and 102.69(c)(2), if not previously filed. The request for review must conform to the requirements of Sections 102.67(e) and (i)(1) of the Board's Rules and may be filed at any time following this decision until 14 days after a final disposition of the proceeding by the regional director. If no request for review is filed, the decision is final and shall have the same effect as if issued by the Board.

A request for review may be E-Filed through the Agency's website but may not be filed by facsimile. To E-File the request for review, go to www.nlr.gov, select E-File Documents, enter the NLRB Case Number, and follow the detailed instructions. If not E-Filed, the request for review should be addressed to the Executive Secretary, National Labor Relations Board, 1015 Half Street SE, Washington, DC 20570-0001. A party filing a request for review must serve a copy of the request on the other parties and file a copy with the Regional Director. A certificate of service must be filed with the Board together with the request for review.

Dated: March 27, 2018



JOHN D. DOYLE, JR.
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS BOARD
REGION 10
233 Peachtree St NE
Harris Tower Ste 1000
Atlanta, GA 30303-1504

EXHIBIT C



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 10
233 Peachtree St NE
Harris Tower Suite 1000
Atlanta, GA 30303-1504

Agency Website: www.nlrb.gov
Telephone: (404)331-2896
Fax: (404)331-2858

April 2, 2018

Wilmond Antoine Meadows
Operations Manager
American Medical Response
1380 Beverage Dr., Suite D
Stone Mountain, GA 30083-2133

Dary Sardad, Director of Organizing
International Association of EMT's
and Paramedics (IAEP)
159 Thomas Burgin Pkwy
Quincy, MA 02169-4213

Re: Metro Ambulance Services, Inc. d/b/a
American Medical Response
Case 10-RC-208221

Dear Mr. Meadows and Mr. Sardad:

This letter will confirm the details of an election arranged in the above matter pursuant to the Regional Director's Decision Directing Second Election. It also provides information about posting the election notices.

Election Arrangements

The arrangements for the election in this matter are as follows:

Date of Election: April 26, 2018

Voting Times: 6:00 AM - 10:00 AM and 1:00 PM - 5:00 PM

Place of Election: The small training room of the Employer's facility
1380 Beverage Dr., Suite D, Stone Mountain, GA

AND

Date of Election: April 27, 2018

Voting Times: 6:00 AM to 10:00 AM and 1:00 PM - 5:00 PM

Place of Election: The small training room of the Employer's facility
1380 Beverage Dr., Suite D, Stone Mountain, GA

cc: Don T. Carmody, Attorney at Law
P.O. Box 3310
Brentwood, TN 37024-3310

William R. Adams, PhD
Adams, Nash, Haskell & Sheridan
7310 Turfway Road
Suite 550
Florence, KY 41042

Bryan Carmody, Attorney
Carmody and Carmody
134 Evergreen Ln
Glastonbury, CT 06033-3706

Sandra Michaels
Assistant to the General Counsel
National Association of Government
Employees (NAGE) SEIU Local 5000
581 Joseph E Boone Blvd NW
Atlanta, GA 30314-3839

EXHIBIT D



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 10
233 Peachtree St NE
Harris Tower Ste 1000
Atlanta, GA 30303-1504

Agency Website: www.nlrb.gov
Telephone: (404)331-2896
Fax: (404)331-2858

April 20, 2018

doncarmody@bellsouth.net

Don T. Carmody, Attorney
P.O. Box 3310
Brentwood, TN 37024-3310

dcarmody@carmodyandcarmody.com

Bryan Carmody, Attorney
Carmody and Carmody
134 Evergreen Lane
Glastonbury, CT 06033-3706

Re: Metro Ambulance Services, Inc. d/b/a
American Medical Response
Case 10-RC-208221

Dear Messrs. Carmody:

This is to notify you that the petition in the above-captioned case will be held in abeyance pending the investigation of the unfair labor practice charges in Cases 10-CA-208740, 10-CA-208630, and 10-CA-207686. **As a result, the election scheduled for April 26 and 27, 2018, has been cancelled. The Employer should post this letter wherever it posted Notices of Election so that the employees are notified that the election is postponed indefinitely.**

Right to Request Review: Pursuant to Section 102.71 of the National Labor Relations Board's Rules and Regulations, you may obtain a review of this action by filing a request with the Executive Secretary, National Labor Relations Board, 1015 Half Street SE, Washington, DC 20570-0001. The request for review shall be submitted in eight copies, unless filed electronically, with a copy filed with the regional director, and all copies must be served on all the other parties. The request must contain a complete statement setting forth facts and reasons upon which the request is based.

Procedures for Filing Request for Review: A request for review must be received by the Executive Secretary of the Board in Washington, DC, by close of business (**5 p.m. Eastern Time**) on May 4, 2018 unless filed electronically. If filed electronically, it will be considered timely if the transmission of the entire document through the Agency's website is **accomplished by no later than 11:59 p.m. Eastern Time** on May 4, 2018.

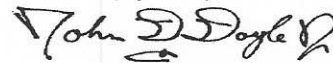
Consistent with the Agency's E-Government initiative, parties are encouraged, but not required, to file a request for review electronically. Section 102.114 of the Board's Rules do not permit a request for review to be filed by facsimile transmission. A copy of the request for review must be served on each of the other parties to the proceeding, as well as on the undersigned, in accordance with the requirements of the Board's Rules and Regulations.

April 20, 2018

Filing a request for review electronically may be accomplished by using the Efiling system on the Agency's website at www.nlr.gov. Once the website is accessed, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt of the request for review rests exclusively with the sender. A failure to timely file the request for review will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off line or unavailable for some other reason, absent a determination of technical failure of the site, with notice of such posted on the website.

The Board may grant special permission an extension of time within which to file a request for review. A request for extension of time, which may also be filed electronically, should be submitted to the Executive Secretary in Washington, and a copy of such request for extension of time should be submitted to the regional director and to each of the other parties to this proceeding. A request for an extension of time must include a statement that a copy has been served on the Regional Director and on each of the other parties to this proceeding in the same manner or a faster manner as that utilized in filing the request with the Board.

Very truly yours,



John D. Doyle, Jr.
Regional Director

cc: Office of the Executive Secretary (by e-mail)
wadams@anh.com
William R. Adams, Ph.D
Adams, Nash, Haskell & Sheridan
7310 Turfway Road, Suite 550
Florence, KY 41042

wilmond.meadows@amr.net
Wilmond Antoine Meadows
Operations Manager
American Medical Response
1380 Beverage Drive, Suite D
Stone Mountain, GA 30083-2133

dsardad@nage.org
Dary Sardad, Director of Organizing
International Association of EMT's
and Paramedics (IAEP)
159 Thomas Burgin Parkway
Quincy, MA 02169-4213

slmichaels@mindspring.com
Sandra Michaels, Assistant to the General Counsel
National Association of Government Employees (NAGE)
SEIU Local 5000
581 Joseph E Boone Boulevard NW
Atlanta, GA 30314-3839

EXHIBIT E

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

FORM EXEMPT UNDER 44 U.S.C. 3512

DO NOT WRITE IN THIS SPACE

Case
10-CA-208740

Date Filed
October 26, 2017

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Metro Ambulance Services Inc. dba American Medical Response (AMR)		b. Tel. No. (404) 783-8046
		c. Cell No.
		f. Fax No.
		g. e-Mail wilmond.meadows@amr.net
		h. Number of workers employed 316
d. Address (Street, city, state, and ZIP code) 1380 Beverage Dr Ste D GA Stone Mountain 30083-2133	e. Employer Representative Wilmond Meadows Operations Director	
i. Type of Establishment (factory, mine, wholesaler, etc.) Healthcare	j. Identify principal product or service Ambulance Transportation	
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) of the National Labor Relations Act; and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

--See additional page--

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

Dary Sardad Title: Director of Organizing
International Association of EMT's and Paramedics (IAEP)

4a. Address (Street and number, city, state, and ZIP code)

159 Thomas Burgin Pkwy
MA Quincy 02169-4213

4b. Tel. No.
(916) 709-6270

4c. Cell No.

4d. Fax No.

4e. e-Mail
dsardad@nage.org

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

National Association of Government Employees (NAGE) SEIU Local 6000

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By Dary Sardad Title: Director of Organizing
(signature of representative or person making charge) (Print/Type name and title or office, if any)

Tel. No.
(916) 709-6270

Office, if any, Cell No.

Fax No.

e-Mail
dsardad@nage.org

159 Thomas Burgin Pkwy
Address Quincy MA 02169-4213

10/26/2017 11:07:31
(date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 161 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

Basis of the Charge

8(a)(1)

Within the previous six-months, the Employer has interfered with, restrained, and coerced its employees in the exercise of rights protected by Section 7 of the Act by engaging in surveillance or creating impression of surveillance of employees' union activities.

Name of Employer's Agent/Representative who made the statement	Approximate date
Stephen Christensen	10-25-2017

8(a)(1)

Within the previous six-months, the Employer has interfered with, restrained, and coerced its employees in the exercise of rights protected by Section 7 of the Act by maintaining work rules that prohibit employees from discussing wages, hours, or other terms or conditions of employment.

8(a)(1)

Within the previous six-months, the Employer has interfered with, restrained, and coerced its employees in the exercise of rights protected by Section 7 of the Act by maintaining work rules that prevent or discourage employees from forming, joining, or supporting a labor organization.

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Metro Ambulance Services Inc. dba American Medical Response (AMR)		b. Tel. No. (404) 783-8045
		c. Cell No.
		f. Fax No.
d. Address (Street, city, state, and ZIP code) 1380 Beverage Dr Ste D GA Stone Mountain 30083-2133	e. Employer Representative Wilmond Meadows Operations Director	g. e-Mail wilmond.meadows@amr.net
		h. Number of workers employed 315
i. Type of Establishment (factory, mine, wholesaler, etc.) Healthcare	j. Identify principal product or service Ambulance Transportation	

k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) _____ of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Within the previous six-months, the Employer has interfered with, restrained, and coerced its employees in the exercise of rights protected by Section 7 of the Act by maintaining work rules that prohibit employees from discussing wages, hours, or other terms or conditions of employment.

Within the previous six-months, the Employer has interfered with, restrained, and coerced its employees in the exercise of rights protected by Section 7 of the Act by maintaining work rules that prevent or discourage employees from forming, joining, or supporting a labor organization.

Within the previous six-months, the Employer, through various power point presentations, made unlawful, coercive statements to employees.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

Dary Sardad
Title: Director of Organizing
International Association of EMT's and Paramedics (IAEP)

4a. Address (Street and number, city, state, and ZIP code)

159 Thomas Burgin Pkwy
MA Quincy 02169-4213

4b. Tel. No.
(916) 709-6270

4c. Cell No.

4d. Fax No.


4e. e-Mail
dsardad@nago.org

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

National Association of Government Employees (NAGE) SEIU Local 5000

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By: 
(signature of representative or person making charge)

Dary Sardad
Title: Director of Organizing
(Print type name and title or office, if any)

Tel. No.
(916) 709-6270

Office, if any, Cell No.

Fax No.

e-Mail
dsardad@nago.org

159 Thomas Burgin Pkwy
Address Quincy MA 02169-4213

12-14-2017
(date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

EXHIBIT F

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE

Case
10-CA-208630

Date Filed
OCTOBER 25, 2017

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Metro Ambulance Services Inc. DBA American Medical Response (AMR)		b. Tel. No. (404) 783-8046
		c. Cell No.
		f. Fax No.
d. Address (Street, city, state, and ZIP code) 1380 Beverage Dr Ste D GA Stone Mountain 30083-2133	e. Employer Representative Wilmond Meadows Operations Manager	g. e-Mail wilmond.meadows@amr.net
		h. Number of workers employed 254
i. Type of Establishment (factory, mine, wholesaler, etc.) Healthcare	j. Identify principal product or service Ambulance Transportation	
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 3 of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

--See additional page--

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

Dary Sardad Title: Director of Organizing
International Association of EMT's and Paramedics (IAEP)

4a. Address (Street and number, city, state, and ZIP code)

159 Thomas Burgin Pkwy
MA Quincy 02169-4213

4b. Tel. No.
(916) 709-6270

4c. Cell No.
(916) 709-6270

4d. Fax No.

4e. e-Mail
dsardad@nage.org

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

national Association of Government Employees (NAGE) SEIU Local 5000

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By Dary Sardad

(signature of representative or person making charge)

Dary Sardad
Title: Director of Organizing

(Print/type name and title or office, if any)

Tel. No.
(916) 709-6270

Office, if any, Cell No.
(916) 709-6270

Fax No.

e-Mail
dsardad@nage.org

159 Thomas Burgin Pkwy
Address Quincy MA 02169-4213

10/24/2017 16:34:06
(date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

Basis of the Charge

8(a)(3)

Within the previous six months, the Employer discharged an employee(s) because the employee(s) joined or supported a labor organization and in order to discourage union activities and/or membership.

Name of employee discharged	Approximate date of discharge
Harvey Letner	10-20-2017

8(a)(1)

Within the previous six months, the Employer discharged an employee(s) because the employee(s) engaged in protected concerted activities by, inter alia, discussing wages and/or other terms and conditions of employment and in order to discourage employees from engaging in protected concerted activities.

Name of employee discharged	Approximate date of discharge
Harvey Letner	10-20-2017

8(a)(3)

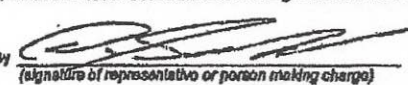
Within the previous six months, the Employer discharged an employee(s) because the employee(s) engaged in protected concerted activities by, inter alia, protesting terms and conditions of employment and in order to discourage employees from engaging in protected concerted activities.

Name of employee discharged	Approximate date of discharge
Harvey Letner	10-20-2017

DO NOT WRITE IN THIS SPACE	
Case 10-CA-208630	Date Filed November 8, 2017

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT	
a. Name of Employer American Medical Response (AMR)	b. Tel. No. (404) 783-8046
	c. Cell No.
	f. Fax No.
d. Address (Street, city, state, and ZIP code) 1380 Beverages Dr. Ste D Stone Mountain GA, 20083-2133	e. Employer Representative Willmond Antoine Meadows Operations Manager
	g. e-Mail willmond.meadows@amr.net
	h. Number of workers employed 300
i. Type of Establishment (factory, mine, wholesaler, etc.) Healthcare	j. Identify principal product or service Ambulance Transportation
<p>k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 3 of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.</p> <p>2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)</p> <p>On or about October 20, 2017, the Employer terminated Harvey Letner in retaliation for his union support and activity.</p> <p>Within the past six months, the Employer, through Captain Scott Queen and Lieutenant Andrew Kennebrew, illegally interrogated employees regarding their union activity and support.</p>	
3. Full name of party filing charge (if labor organization, give full name, including local name and number) International Association of EMT's and Paramedics (IAEP)	
4a. Address (Street and number, city, state, and ZIP code) 581 Joseph E Boone Blvd NW Atlanta GA 30314-3839	4b. Tel. No. 404.521.9043 4c. Cell No. 916.709.6270 4d. Fax No. 4e. e-Mail dsardad@nage.org
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) National Association of Government Employees (NAGE) SEIU Local 5000	
8. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief. By  Dary Sardad (signature of representative or person making charge) Director of Organizing (Print type name and title or office, if any) 581 Joseph E Boone Blvd NW Atlanta GA 30314 Address (Date) 8-NOV-2017	
Tel. No. 404.521.9043 Office, if any, Cell No. 916.709.6270 Fax No. e-Mail dsardad@nage.org	

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

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EXHIBIT G

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

FORM EXEMPT UNDER 44 U.S.C. 3512

DO NOT WRITE IN THIS SPACE

Case

Date Filed

10-CA-207686

OCTOBER 10, 2017

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer

American Medical Response (AMR)

b. Tel. No.

(404) 783-8046

c. Cell No.

f. Fax No.

g. e-Mail

wilmond.meadows@amr.net

h. Number of workers employed
300

d. Address (Street, city, state, and ZIP code)

1380 Beverage Dr Ste D
GA Stone Mountain 30083-2133

e. Employer Representative

Wilmond Antoine Meadows
Operations Manager

i. Type of Establishment (factory, mine, wholesaler, etc.)
Healthcare

j. Identify principal product or service
Ambulance Transportation

k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 3 of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

--See additional page--

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

Dary Sardad Title: Director of Organizing
International Association of EMT's and Paramedics (IAEP)

4a. Address (Street and number, city, state, and ZIP code)

581 Joseph E Boone Blvd NW
GA Atlanta 30314-3839

4b. Tel. No.

(404) 521-9043

4c. Cell No.

(916) 709-6270

4d. Fax No.

4e. e-Mail

dsardad@nage.org

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

National Association of Government Employees (NAGE) SEIU Local 5000

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief,

By Dary Sardad

(signature of representative or person making charge)

Dary Sardad
Title: Director of Organizing

(Print/type name and title or office, if any)

Tel. No.

(404) 521-9043

Office, if any, Cell No.

(916) 709-6270

Fax No.

e-Mail

dsardad@nage.org

581 Joseph E Boone Blvd NW
Address Atlanta GA 30314-3839

10/10/2017 10:43:45
(date)

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Basis of the Charge

8(a)(3)

Within the previous six months, the Employer discharged an employee(s) because the employee(s) joined or supported a labor organization and in order to discourage union activities and/or membership.

Name of employee discharged	Approximate date of discharge
Robert "Bob" Graham	10-04-2017

8(a)(1)

Within the previous six months, the Employer discharged an employee(s) because the employee(s) engaged in protected concerted activities by, inter alia, discussing wages and/or other terms and conditions of employment and in order to discourage employees from engaging in protected concerted activities.

Name of employee discharged	Approximate date of discharge
Robert "Bob" Graham	10-04-2017

8(a)(3)


Within the previous six months, the Employer discharged an employee(s) because the employee(s) engaged in protected concerted activities by, inter alia, protesting terms and conditions of employment and in order to discourage employees from engaging in protected concerted activities.

Name of employee discharged	Approximate date of discharge
Robert "Bob" Graham	10-04-2017

DO NOT WRITE IN THIS SPACE	
Case 10-CA-207686	Date Filed 11-8-2017

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT	
a. Name of Employer American Medical Response (AMR)	b. Tel. No. (404) 783-8046
	c. Cell No.
	f. Fax No.
d. Address (Street, city, state, and ZIP code) 1380 Beverages Dr. Ste D Stone Mountain GA, 20083-2133	e. Employer Representative Wilmond Antoine Meadows Operations Manager
	g. e-Mail wilmond.meadows@amr.net
	h. Number of workers employed 300
i. Type of Establishment (factory, mine, wholesaler, etc.) Healthcare	j. Identify principal product or service Ambulance Transportation
<p>k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (first subsections) 3 of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.</p> <p>2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)</p> <p>On or about October 4, 2017, the Employer terminated Bob Graham in retaliation for his union support and activity.</p> <p>On or about October 4, 2017, the Employer, through Captain Hoover Sirmans, made coercive and threatening statements to employees regarding their union activity and support.</p>	
3. Full name of party filing charge (if labor organization, give full name, including local name and number) International Association of EMT's and Paramedics (IASP)	
4a. Address (Street and number, city, state, and ZIP code) 581 Joseph E Boone Blvd NW Atlanta GA 30314-3839	4b. Tel. No. 404.521.9043 4c. Cell No. 916.709.6270 4d. Fax No. 4e. e-Mail dsardad@nage.org
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